

# **Copyright Do's and Don'ts**

## **GENERAL STATEMENTS ABOUT COPYRIGHT**

1. Copyright protection arises automatically when an original work of authorship is fixed in a tangible medium of expression.
2. The current technology today makes it fairly easy to combine material created by others into a multimedia product.
3. The technical ease of copying these works, however, does not give you the legal right to do so.
4. Don't assume that a copyright owner will be happy to have you use his or her work. Even if the owner is willing to let you use the work, the owner will probably want to charge you a license fee.
5. If you intend to use preexisting material from television or film, you may also have to deal with the rights of entertainment unions to reuse fees.
6. The rights required for an interactive multimedia work would be quite different from those which are normally granted to use photographs.

## **THE APPLICATION OF FAIR USE**

1. Present law became effective January 1, 1978 (Statutory).
  - A. Provides an "Equitable Rule of Reason."
  - B. Certain uses are "Fair."
  - C. Not injurious to the copyright owner.
  - D. Balances the rights of the copyright owners with certain uses by the public.
2. The four aspects of fair use that you must consider:
  - A. The purpose and character of the use. Is it for commercial or nonprofit educational purposes?
  - B. The nature of the copyrighted material (newspaper, magazine, video, software, textbook, etc.).
  - C. The amount and substantiality of the portion used in relation to the copyrighted work as a whole.
  - D. The effect of the use on the potential market for, or value of, the copyright work.

# Copyright Do's and Don'ts

## ESPECIALLY FOR PRINTED MATERIALS

1. A teacher may make multiple copies of:
  - A. A poem of less than 250 words which is printed on no more than two pages.
  - B. A copyrighted article, story, or essay of less than 2,500 words or an excerpt of not more than 1,000 words or 10 percent, whichever is less.
2. Restrictions to multiple copies:
  - A. No more than three authors from a collective work.
  - B. No more than nine instances per term.
  - C. Copying does not replace an anthology or collected work.
3. For scholarly research, a teacher may make a single copy of:
  - A. A chapter from a book.
  - B. An article from a periodical.
  - C. A short essay, story, or poem.
  - D. A chart, graph, diagram, or picture.
4. A teacher may make multiple copies of:
  - A. One chart, graph, diagram, or picture per book.
  - B. Up to 10 percent of a work which combines prose, poetry, and illustration.
5. Restrictions to multiple copies:
  - A. No more than three authors from a collective work.
  - B. No more than nine instances per term.
  - C. Copying does not replace an anthology or collected work.
  - D. Copying of consumable works is prohibited.
  - E. The same item may not be copied for more than one term.
  - F. Printed musical scores may be duplicated ONLY IF replacement copies have been ordered and the photocopies are destroyed when the purchased copies arrive.
  - G. No charge beyond the cost of photocopying can be made to students.
  - H. Copyrighted, syndicated cartoons may not be copied.

# **Copyright Do's and Don'ts**

## **ESPECIALLY FOR COMPUTER SOFTWARE**

1. A teacher may:
  - A. Make a copy of a computer program for archival purposes.
  - B. Load a software program onto a network if a network license is obtained for the number of machines used.
  - C. Load a software program onto two computers if there is no possibility that both computers will be operated simultaneously. Note: **CHECK THE LICENSE AGREEMENT. RULES VARY ON THIS PROCEDURE.**
  - D. Be aware that every software program has its own set of restrictions. In many cases the “purchase” of disks represents a “leasing” of the software. Teachers should get into the habit of reading all of the small type (fine print) that comes on the outside of the computer programs before opening the package. Usually, just opening the package implies that you have read, understood, and agree to the terms of the license.

## **ESPECIALLY FOR MULTIMEDIA**

1. Students may:
  - A. Retain multimedia projects in their personal portfolios as examples of their academic work for later appropriate uses such as job and graduate school applications.
  - B. Use portions of lawfully acquired copyrighted works in their academic multimedia projects, with proper attribution and citations.
2. Educators may:
  - A. Use portions of lawfully acquired copyrighted works in the course of face-to-face instruction or to demonstrate to students how to create multimedia projects.
  - B. Perform or display their own multimedia works created for their own curriculum-based activities which use portions of copyrighted works lawfully acquired by the educational institution at workshops of their peers or at conferences where educators are presenting works they created for their students.

## Copyright Do's and Don'ts

- C. Use portions of lawfully acquired copyrighted works in producing their own multimedia educational programs to be used for curriculum-based instructional activities provided that...
  - 1. The instructional activities will be provided over an educational institution's electronic network (EDNET).
  - 2. There are technological limitations on access to the network and on the total number of students enrolled.
- 3. Limitations for use of multimedia:
  - A. Educators may use their own multimedia programs containing portions of copyrighted works for a period of two years.
  - B. Up to 10 percent of a copyrighted motion media work may be reproduced.
  - C. Up to 10 percent of a copyrighted musical composition may be reproduced.
  - D. Up to five images from a specific artist or photographer may be reproduced.
  - E. The multimedia program may not be duplicated or sold.
  - F. The multimedia program may not be placed on a network with unlimited access.

### ESPECIALLY FOR AUDIOVISUAL USE

- 1. A teacher may create:
  - A. A single overhead transparency from a single page of a consumable workbook.
  - B. A series of transparencies or 35 mm slides from multiple sources, limited to one per source.
  - C. A set of 35 mm slides (1/2 frame) from a damaged filmstrip as long as they are displayed in the original order minus the damaged frames.
  - D. An enlarged map, provided the color scheme, shading, and symbols of the original are NOT duplicated.
- 2. Restrictions to audio-visual duplication:
  - A. No duplication of audio cassettes for archival purposes.
  - B. No conversion of recording from one format (media) to another.**
  - C. No photocopying of "ditto" master.
  - D. No reproductions of any audiovisual work in its entirety.
  - E. No conversion of one media format to another.**

## Copyright Do's and Don'ts

### 3. Restrictions to TV duplication:

- A. Any broadcast program may be videotaped and maintained for 45 calendar days (cable programs that are not available over broadcast television may **NOT** be taped).
- B. The program may be used once by an individual teacher in the 10 school days following the broadcast.
- C. The teacher using the videotape must request the taping (from their schools' media coordinator).
- D. A program may not be taped more than once regardless of how many times it is broadcast.
- E. The program must be recorded in its entirety, including the copyright notice, but not all of the program need be shown.
- F. Programs must be shown in a location in the school which is normally used for instructional purposes (not the lunchroom cafeteria, gymnasium, or auditorium).
- G. The program must be an INTEGRAL part of the curriculum, not just for entertainment.

### 4. Restriction to using purchased or rental videotape media:

- A. Teachers or educational institutions may purchase OR rent a videotape which bears a "For Home Use Only" message and use it in an educational institution, providing...
  - 1. The program is shown in a room normally used for instruction.
  - 2. The program is an integral part of the curriculum.
  - 3. The tapes may not be shown for entertainment purposes without paying public performance fees.

**The preceding document is not intended to be construed as legal opinion. It is derived from publicly available information and is in compliance with compromises current as of January 1996.**